

1 Joseph W. Cotchett (36324)
jcotchett@cpmlegal.com
2 Steven N. Williams (175489)
swilliams@cpmelgal.com
3 Matthew K. Edling (250940)
medling@cpmlegal.com
4 COTCHETT, PITRE & McCARTHY
840 Malcolm Road, Suite 200
5 Burlingame, CA 94010
Telephone: (650) 697-6000
6 Facsimile: (650) 697-0577

7 *Attorneys for Plaintiff*

8 Lisa I Carteen, (204764)
lcarteen@bakerlaw.com
9 BAKER & HOSTETLER LLP
12100 Wilshire Blvd., 15th Floor
10 Los Angeles, CA 90025-7120
Telephone: (310) 820-8800
11 Facsimile: (310) 820-8859

12 Bruce O. Baumgartner (0025701) (*Pro Hac Vice*)
bbaumgartner@bakerlaw.com
13 Robin E. Harvey (0014183) (*Pro Hac Vice*)
rharvey@bakerlaw.com
14 BAKER & HOSTETLER LLP
312 Walnut Street, Suite 3200
15 Cincinnati, OH 45202-4072
Telephone: (513) 929-3400
16 Facsimile: (513) 929-0303

Lee. H. Simowitz, (185728) (*Pro Hac Vice*)
lsimowitz@bakerlaw.com
BAKER & HOSTETLER LLP
1050 Connecticut Avenue, NW, Suite 1100
Washington, DC 20036-5304
Telephone: (202) 861-1500
Facsimile: (202) 861-1783

17 *Attorneys for Defendants*

18 UNITED STATES DISTRICT COURT
19 NORTHERN DISTRICT OF CALIFORNIA

20 NUTS FOR CANDY,

21 Plaintiff,

22 v.

23 GANZ, INC. et al.,

24 Defendants.

) Case No. CV 08-2873 JSW

) **STIPULATION AND [PROPOSED] ORDER**
) **TO MODIFY BRIEFING SCHEDULE ON**
) **DEFENDANTS' MOTION TO DISMISS**
) **PLAINTIFF'S COMPLAINT**

) Date: November 7, 2008
) Time: 9:00 a.m.
) Judge: Hon. Jeffrey S. White
) Courtroom: Courtroom 2, 17th Floor
)

26
27
28

STIPULATION AND [PROPOSED] ORDER TO MODIFY BRIEFING SCHEDULE ON DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S COMPLAINT

1 **IT IS HEREBY STIPULATED AND AGREED** between Plaintiff Nuts for Candy and
 2 Defendants Ganz, Inc. And Ganz U.S.A., LLC, by and through their counsel of record, and
 3 pursuant to Local Rule 6.1(b) of the United States District Court for the Northern District of
 4 California, that Plaintiff's time to respond to Defendants' Motion to Dismiss Plaintiff's
 5 Complaint ("Motion") is extended from August 19, 2008 to and including, August 26, 2008 and
 6 Defendants' reply brief extended from August 26, 2008 to and including, September 4, 2008.

7 The parties request that the Court modify its Order Setting Briefing Schedule, dated
 8 August 5, 2008. The requested modification will not affect a hearing or proceeding on the
 9 Court's calendar since the hearing on Defendants' Motion is set for November 7, 2008.

10 The parties make this request based on the fact that Defendants filed their Motion to
 11 Dismiss Plaintiff's Complaint on August 4, 2008 and the parties agree that Plaintiff should have
 12 additional time to consider Defendants' Motion.

13 The parties further agree that Plaintiff's response to Defendants' Motion shall be filed no
 14 later than August 26, 2008 and Defendants' reply brief shall be filed no later than September 4,
 15 2008.

16 Dated: August 14, 2008

By: /s/ Matthew K. Edling
 MATTHEW K. EDLING
 (medling@cpmlegal.com) (CA # 250940)
 COTCHETT, PITRE & MCCARTHY
 840 Malcolm Road, Suite 200
 Burlingame, CA 94010
 Telephone: (650) 697-6000
Attorneys for Plaintiff

21 Dated: August 14, 2008

By: /s/ (with permission)
 LISA I. CARTEEN
 (lcarteen@bakerlaw.com) (CA # 204764)
 Baker & Hostetler LLP
 12100 Wilshire Blvd., 15th Floor
 Los Angeles, CA 90025-7120
 Telephone: (310) 820-8800
 Attorneys for Defendants GANZ, INC. and
 GANZ U.S.A., LLC

28 ///

ORDER

Based on the foregoing Stipulation of the parties and the facts set forth therein, the Court finds good cause to enter the parties' requested Order.

Accordingly, (1) Plaintiff shall have until and including, August 26, 2008 to file a response to Defendants' Motion to Dismiss Plaintiff's Complaint and (2) Defendants shall have until, and including, September 4, 2008 to file a reply brief to Plaintiff's response.

Dated: _____

JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE